

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:23-CV-00103-JRG-RSP

**DEFENDANTS' UNOPPOSED MOTION TO REDACT PORTIONS OF THE
DECEMBER 16, 2024 PRETRIAL CONFERENCE TRANSCRIPT**

Defendants Samsung Electronics Co., Ltd and Samsung Electronics America, Inc. (“Samsung”) respectfully submit this motion to redact certain limited portions of the December 16, 2024 Pretrial Conference transcript. On December 24, 2024, Samsung notified the Court of its intent to request redactions of this transcript. Dkt. 305.

I. BACKGROUND

On December 16, 2024, the Court held a Pretrial Conference to address various motions in limine. Dkt. 297. During that conference, the parties and the Court discussed matters designated as “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 65). For example, the parties discussed certain confidential commercial agreements between the Defendants and third-party Google, as well as Samsung confidential business information concerning its use of the accused technologies.

II. REQUEST FOR REDACTION

“The ‘right to inspect and copy judicial records is not absolute.’” *See Erfindergemeinschaft Uropep GbR v. Eli Lilly & Co.*, Case No. 2:15-cv-1202-WCB, 2017 U.S. Dist. LEXIS 14099, at *3 (E.D. Tex. Feb. 1, 2017) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). “The decision whether to allow public access to court records is left to the ‘sound discretion of the trial court ... to be exercised in light of the relevant facts and circumstances of the particular case.’” *Id.* (quoting *Nixon*, 435 U.S. at 599). “Where the materials relate to non-dispositive issues, the interest in disclosure is less compelling. In particular, the materials filed in connection with discovery disputes unrelated to the merits of the case have been identified as the kinds of court materials for which there is not a compelling need for public disclosure; the presumption of disclosure has therefore been held inapplicable in that setting.” *Id.* at *5.

Here, the narrowly tailored redactions maintain the confidentiality of matters designated as confidential under the Protective Order (Dkt. 65). The redacted materials relate to non-dispositive issues, therefore the presumption of disclosure does not apply. Samsung thus believes it is appropriate to redact such information from the transcript and now moves to effectuate the redaction of such information. Samsung requests that the Court order the redaction of the material discussed on the following pages of the December 16, 2024 Pretrial Conference transcript:

Page	Line No(s)	Reason
88	3-8, 10, 17-18, 22-23	Reveals confidential details concerning confidential commercial agreements with third party Google
89	9-11, 21-22	Reveals confidential details concerning confidential commercial agreements with third party Google
90	3	Reveals confidential details concerning confidential commercial agreements with third party Google
92	3, 8, 12, 15-16, 23-25	Reveals confidential details concerning confidential commercial agreements with third party Google
93	2, 5-6, 9-10	Reveals confidential details concerning confidential commercial agreements with third party Google
94	19, 23-25	Reveals confidential Samsung business information
95	1-2, 18	Reveals confidential Samsung business information
96	13-15	Reveals confidential details concerning confidential commercial agreements with third party Google
96	20-22	Reveals confidential Samsung business information
97	19-24	Reveals confidential details concerning confidential commercial agreements with third party Google
98	1	Reveals confidential Samsung business information
98	6-10	Reveals confidential details concerning confidential commercial agreements with third party Google
98	13-14	Reveals confidential Samsung business information; Reveals confidential details concerning confidential commercial agreements with third party Google
99	3	Reveals confidential Samsung business information
99	14-19, 23-24	Reveals confidential details concerning confidential commercial agreements with third party Google



Page	Line No(s)	Reason
100	5-8, 12-21	Reveals confidential details concerning confidential commercial agreements with third party Google
101	2-3, 10-12, 17, 23-24	Reveals confidential details concerning confidential commercial agreements with third party Google
102	1-4, 7-11, 13-14, 16-17, 19, 21-22	Reveals confidential details concerning confidential commercial agreements with third party Google
103	3-5, 8-11	Reveals confidential details concerning confidential commercial agreements with third party Google

Samsung's requested redactions are highlighted in Exhibit A, attached hereto. Where possible, these redactions were targeted so as not to include the entire line. Counsel for Headwater Research, LLC does not oppose the above-requested relief and seeks redaction of the December 16, 2024 Pretrial Conference Transcript at: 41:21-24, 42:7-8, 42:10-12, 42:23-25, 43:12-23, 44:2-3, 44:21-23, 45:12-15, 46:8-11, 47:1-2, 47:6-8, 47:11-13, 47:19-25, 48:5-7, 57:4-5, 57:24-25, 59:4, 60:2, and 60:5. Headwater's requested redactions are also reflected in Exhibit A.

Samsung considers the details of its commercial agreements with Google and aspects of its own business information to be highly sensitive and confidential, as they are not otherwise known to the public. Public disclosure of information concerning the commercial agreements between Samsung and Google creates a risk of harm to Samsung and third-party Google during future negotiations and/or business transactions. This harm outweighs the presumption of public access at least because the redactions will not affect the public's ability to understand the underlying issues in the rest of the record, as the confidential specifics that are proposed for redaction are not germane to the issues decided at the December 16, 2024 Pretrial Conference.

Good cause exists to redact this information from the transcript in light of the potential harm to Samsung and third-party Google. This motion is brought shortly after the December 16, 2024 Pretrial Conference in which this information was raised on the record. And all individuals

present in the courtroom during the December 16, 2024 Pretrial Conference were subject to this case's Protective Order (Dkt. 65)—i.e., the attorneys for the parties, the Court, its clerks, and supporting staff members. As such, there was no need to seal the courtroom during the discussion of the confidential Samsung business information and the confidential commercial agreements between Samsung and third-party Google. As noted above, redacting the requested details does not inhibit the public's ability to understand the dispute, the arguments, or the resolution. Samsung respectfully requests that the Court grant its motion for these targeted redactions.

III. CONCLUSION

Samsung respectfully requests that the Court grant its unopposed motion to redact the December 16, 2024 Pretrial Conference transcript and enter the redacted transcript containing the proposed redactions attached as Exhibit A into the public record.

Dated: January 10, 2025

Respectfully submitted,

By: /s/Jonathan B. Bright

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SAMSUNG ELECTRONICS AMERICA, INC.

CERTIFICATE OF CONFERENCE

Pursuant to Local Rules CV-7(h) and (i), I hereby certify that counsel of record for Samsung and Headwater have met and conferred. Headwater does not oppose this motion.

/s/ Jonathan B. Bright

Jonathan B. Bright

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on January 10, 2025. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Jonathan B. Bright

Jonathan B. Bright